

# **EXHIBIT 4**

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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SKKY, INC., Case No. 0:13-cv-2086-PJS-JJG  
Plaintiff, TRANSCRIPT  
v. OF  
MANWIN USA, INC., and PROCEEDINGS  
MANWIN HOLDING, S.A.R.L.,  
(MOTIONS HEARING)  
Defendants.

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SKKY, INC., Case No.: 0:13-cv-2089-PJS-JJG  
Plaintiff,  
v.  
PLAYBOY ENTERPRISES, INC.,  
Defendant.

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SKKY, INC., Case No.: 0:13-cv-2085-PJS-JJG  
Plaintiff,  
v.  
GENERAL MEDIA COMMUNICATIONS,  
INC.,  
Defendant.

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SKKY, INC.,

Case No. : 0:13-cv-2087-PJS-JJG

Plaintiff,

v.

VIVID ENTERTAINMENT, LLC.,

Defendant.  
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The above-entitled matters came on for MOTIONS HEARING before Magistrate Judge Jeanne J. Graham, on September 25th, 2014, at the United States District Courthouse, Courtroom 3B, 316 N. Robert Street, St. Paul, Minnesota 55101, commencing at approximately 2:14 p.m.

DIGITALLY RECORDED HEARING

TRANSCRIBED BY: RONALD J. MOEN, OFFICIAL COURT REPORTER

CALIFORNIA CSR NO. : 8674

ILLINOIS CSR NO. : 084-004202

IOWA CSR NO. : 495

RMR NO. : 065111

APPEARANCES

ROBINS, KAPLAN, MILLER & CIRESI, L.L.P., 800 LaSalle Avenue, Suite 2800, Minneapolis, Minnesota 55402-2015, by RONALD J. SCHUTZ and RYAN M. SCHULTZ, Attorneys at Law, appeared as counsel on behalf of Plaintiff, Skky, Inc.

VENABLE, L.L.P., 2049 Century Park East, Suite 2100, Los Angeles, California 90067, by TAMANY VINSON BENTZ, Attorney at Law, *pro hac vice*, appeared as counsel on behalf of Defendants, Manwin USA, Inc., Manwin Holding, s.ar.1., Playboy Enterprises, Inc., and General Media Communications, Inc.

BERENS & MILLER, P.A., 80 South Eighth Street, Suite 3720, Minneapolis, Minnesota 55402, by JUSTI R. MILLER, Attorney at Law, appeared as counsel on behalf of Defendants, Manwin USA, Inc., Manwin Holding, s.ar.1., Playboy Enterprises, Inc., General Media Communications, Inc., and Vivid Entertainment, LLC.

1 THE COURT: I see.

2 MS. BENTZ: So when they say "its used websi te or  
3 service," it is, in effect, some indefini te problem --  
4 indefini te idea of a websi te or a service. This is actual ly  
5 one of the first things we argued wi th your Honor when they  
6 had a motion to compel documents for us, and we said: "Thi s  
7 idea that you're not going to define the websi tes you're  
8 talking about is not workable for Manwi n." Thi s is thi s --  
9 that same issue.

10 THE COURT: Okay.

11 MS. BENTZ: The mobi le-only issue is al so a huge  
12 probl em. We do not keep mobi le-only numbers. I shoul d have  
13 addressed thi s for Playboy too. But nei ther Playboy nor  
14 Manwi n keep, in the ordinary course, mobi le-only numbers.

15 THE COURT: So in a completely -- you know, kind of  
16 in a completely practical way that I see thi s is it seems  
17 li ke there's summary charts and it had to come from  
18 somewhere.

19 MS. BENTZ: Uh-huh.

20 THE COURT: So, you know, li ke normal ly -- I mean  
21 j ust completely di fferent, but under -- you know, you can  
22 have a summary chart and a rule of evi dence and the other  
23 si de gets to see the underlying data -- IT may not be  
24 admi ssi ble, but --

25 MS. BENTZ: Uh-huh.

1 THE COURT: -- so why isn't that -- why isn't it  
2 like that? Why isn't it that if there's an aggregate that  
3 there must be pieces to that aggregate that are....

4 MS. BENTZ: So I think the first thing is what they  
5 had asked for. I'll be candid, I was somewhat surprised they  
6 had a problem with what we gave them because they asked for  
7 documents sufficient to.

8 THE COURT: Okay.

9 MS. BENTZ: And, so, for some of the things, we  
10 just didn't have -- like the mobile-only, we just didn't have  
11 that. But I was surprised, because normally you have a  
12 defendant who's trying to cut the number down; right? So you  
13 might give them a piece of the aggregate but not the full  
14 audited summary; right? Because the full audited summary is  
15 revenues and you might try to cut that number down somehow.  
16 And in this case we were giving them revenues so they could  
17 see it. So I was surprised by that. The concern is that the  
18 pieces may not be -- I don't -- since it's not a public  
19 company, the question is what the pieces are, how they're  
20 organized, and how accurate they are; right? There's no  
21 expectation that the pieces -- that they keep the pieces  
22 accurate. Their sense was that the audited financials were  
23 the best thing to be sufficient to show.

24 THE COURT: Okay.

25 MS. BENTZ: And I think, your Honor, it's the same